

scope as it should be to be considered on this calendar, and it has bipartisan support. Most importantly it is time we bring over 20 years of wrangling between the EPA and San Diego to an end. Delaying this legislation will only cost the taxpayers of southern California millions more of their tax dollars with no change in the end result.

I urge a "yes" vote in support of this legislation.

□ 1100

Mr. MINETA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

[Ms. RIVERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

Mr. MINETA. Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from San Diego, CA [Mr. FILNER].

Mr. FILNER. Mr. Speaker, my colleagues, I rise today in strong support of H.R. 1943. Let me stress that this has been a bipartisan effort, both in San Diego, where the request originated, and in this Congress, where I hope a bipartisan coalition will pass this legislation today.

Without this legislation, San Diegans would be forced to pay billions of dollars to meet a bureaucratic requirement that makes no sense, given San Diego's geographic position and technological method of treating sewage.

This has been a long fight for me personally. In fact, I have spent more than 6 years fighting against this nonsensical requirement. I was one of the first members of the San Diego city council who was convinced by the testimony of marine scientists from the world-renowned Scripps Institute of Oceanography that San Diego was already doing the right thing for the environment.

One of the first bills that I introduced in 1993 as a freshman in the 103d Congress was H.R. 3190, which is very similar to the bill we are discussing today. And in late 1994 in the 103d Congress, my colleagues in the Congress unanimously passed my legislation to allow San Diego to apply for a waiver from the requirements of the Clean Water Act.

Mr. Speaker, that bill allowed San Diego to apply for a waiver from the Clean Water Act's secondary treatment standards. I am proud to state that that application has been submitted and, because it was based on sound science, it has already received preliminary approval by the EPA. We have no doubt that this application will soon receive final approval.

But we are here today to take the necessary next step; that is to remove the requirement that San Diego reapply for that waiver every 5 years. I

want to ensure that San Diego is not required to spend millions of taxpayer dollars every 5 years to reapply for a waiver, or that it run the risk that some EPA administrator in the future, as it has in the past, may reject the waiver application and force San Diego into a wasteful transformation of its sewage treatment system.

Mr. Speaker, some of my colleagues have legitimate concerns about this legislation, but I want to reassure all of my colleagues that San Diego will still have to meet the basic environmental mandates of the Clean Water Act and that no damage to the marine environment will result.

This bill requires that San Diego comply with one of the most restrictive State ocean plans, California's ocean plan, which stipulates a minimum of 75 percent suspended solids removal. The California State ocean plan, which has been approved by the national EPA, includes a list of standards for specific chemicals that is more restrictive than Clean Water Act standards.

These standards will apply, despite the fact that San Diego's ocean outfall is 4 miles out to sea, and therefore outside of the 3-mile jurisdiction of the State, because H.R. 1943 would require that the city of San Diego apply to the State of California and EPA for an NPDES permit ever 5 years. Because of this permit requirement, I have no doubt that the EPA will hold San Diego to State of California ocean plan standards.

Finally, at the request of the marine scientists from the Scripps Institute, this bill will require San Diego to continue its comprehensive ocean monitoring system. I urge my colleagues to support this bill. It is the right thing to do for both the environment and the taxpayers of San Diego.

Mr. Speaker, I want to point out, finally, that the protections in this bill to require San Diego to meet the California State ocean plan and to submit to the comprehensive ocean monitoring system will protect against some of the fears that my colleagues have.

This means that San Diego will not only measure the quality of the effluent that is entering the ocean outfall but, more importantly, it will conduct a thorough assessment of the effects of the effluent on the marine environment. This monitoring system will be evaluated in turn not only by State and Federal agencies, but will be made available for review by the best marine scientists in the world, the experts that work at Scripps.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, if I could ask my colleague a question on that. With regard to the standards, is my colleague familiar with this motion to recommit that I intend to offer?

Mr. FILNER. Mr. Speaker, I am.

Mr. MINETA. Mr. Speaker, I ask my colleague how he feels and whether he will be supporting that motion.

Mr. FILNER. Mr. Speaker, as my friend knows, in the Committee on Transportation and Infrastructure I submitted an amendment, which he has in his recommend motion, which will in fact help this bill meet some of the problems that some of my colleagues have by requiring certain standards that we already meet that we are pledged to do, that will require no extra expense. I think that makes this bill stronger when it goes to the Senate and when it goes to the President.

Mr. MINETA. Mr. Speaker, I thank my colleague.

Mr. FILNER. Mr. Speaker, I say to my colleague, that requirement makes a lot of sense.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT] the distinguished chairman of the Subcommittee on Water Resources and Environment.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this commonsense legislation. I would point out that it has been considered at some length in the Subcommittee on Water Resources and Environment, over which I have the pleasure of chairing. It has been considered by the full committee, and as a matter of fact, everyone in this House has essentially approved the language of this legislation, because it was included in H.R. 961. I did not support that bill; however, we did have an alternative, the gentleman from New Jersey [Mr. SAXTON] and myself, and that same language was in the alternative.

Mr. Speaker, this just makes a whole lot of sense. Scientists agree that the city's current level of treatment is not harming the ocean environment. Complying with the secondary treatment mandate will cost the city over \$2 billion, and possibly as much as \$4.9 billion, if the city is enforced to install all the treatment facilities that EPA has sought to require the return for settlement of its litigation against the city.

We are moving in the right direction. Frankly, this debate over this bill is not over environmental protection. I take a back seat to no one on being a strong environmentalist. It is about process. I urge my colleagues on a bipartisan basis to support this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from Nevada [Mrs. VUCANOVICH] for bringing this issue to the House floor.

Mr. Speaker, my colleagues might ask what is a Representative from Indiana doing talking about an issue that

affects southern California? But as a member of the advisory committee on Corrections Day, this is an issue that is exactly what we were looking for in trying to correct unnecessary problems created in our regulatory process.

Mr. Speaker, it is an example of how the one-size-fits-all approach actually ends up with a stupid result. The environmental scientists at the Scripps Institute say that this waiver for San Diego is actually proenvironmental. It will help create a better environment for southern California.

The professional radical environmentalists say, "No, no, we cannot allow any waivers at any time." But the scientists, the biologists, say this action will be good and will help clean the environment in southern California.

When I asked mayors in Indiana, Do you mind if we start giving waivers for cities around the country where the situation is different for them on some of these environmental regulations, they said to me, "No, I think it is a good idea. Have the situation taken into account for each city, but give us a chance to also make our arguments when an issue comes up."

Everyone wants to do what is best for the environment in their region. It will help save taxpayer dollars and it is time that we act how to solve this problem.

Mr. Speaker, I talked with Mayor Golding of San Diego earlier this morning and she told me that she has been working on this issue for 20 years and that EPA has failed to give them a waiver or allow them to do what is both good economics and good for the environment.

Mr. Speaker, we have waited 20 years so far for a waiver from EPA. I do not think we need to wait anymore. It is time that Congress act and grant this exemption and do something that is good for the environment and for the citizens of San Diego. I strongly urge my colleagues to vote in favor of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, first of all let me say I rise in support of Corrections Day. I received numerous phone calls in my office supporting the approach for us to begin to curb government regulation, overburdensome government regulation, and I think today this is a good procedure by which we can begin to do that. Both sides of the aisle, we want to do away with overburdensome regulation. We want to do away with regulations that are unneeded.

Mr. Speaker, I also want to rise in support of H.R. 1943. What I think we are doing today, this type of legislation is ideally served for the need of the Corrections Day procedures. The Clean Water Act is a perfect example of an unfunded mandate. H.R. 1943 will help alleviate from the local government a burden of \$3 billion, an unnecessary burden, because of this regulation.

Mr. Speaker, I think Corrections Day is intended to give us immediate response to misguided laws or government policy. This is clearly a misguided initiative by the EPA. I ask my colleagues to vote for H.R. 1943.

Mr. MINETA. Mr. Speaker, I yield 1 minute to our very fine colleague, the gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, I am a Member of the corrections advisory committee, and I support the idea of a Corrections Day. But that Corrections Day ought to be to correct laws or regulations that have unintended and burdensome effects. We ought to correct on a bipartisan basis. We ought to limit our corrections to those we can all support and we will ensure against abuse of that corrections calendar if we do not take up controversial issues like the San Diego provisions that is before us today.

We do not want the corrections calendar to become a fast track for special interests seeking favored treatment. This is a divisive bill. It is over something that is already going to be done by the EPA. It is based largely on a false anecdote.

Mr. Speaker, I hope this is an aberration as to what we are going to have on the Corrections Day calendar and is not a signal of how this calendar will work in the future. Let us correct issues that ought to be corrected, that we all agree upon, and not take up controversial issues such as this one where there is such divisiveness.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas, Mr. JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, for years now Washington has been piling regulations and mandates on its citizens with little regard for the heavy toll these burdens have on real people. Today we take the first step toward restoring common sense to Washington policy-making.

Mr. Speaker, I would disagree with the previous speaker that this is a controversial issue. I think that on wastewater, San Diego is trying to get a waiver and they had to spend \$2.2 million of taxpayer money just to complete the forms. To renew it every 5 years, they are going to spend another \$2.2 million.

Mr. Speaker, that is government bureaucracy at its worst. It needs to be fixed. By making this simple correction, we can meet environmental requirements and save a local government and local taxpayers billions of dollars.

Mr. Speaker, it is about time the Congress used good judgment. Let us pass this bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, Members of the House, this bill is exactly what

Corrections Day ought to be about. The scientific community says that San Diego's treatment facility is as good or better than secondary treatment requirements under the technicalities of the Clean Water Act.

The scientific community agrees that they should not have to do what the technicalities require, because they are doing as good or a better job than the technicalities. And yet, the community has to spend millions of dollars every 5 years to get a waiver, which they may or may not get depending upon who is in charge of the EPA.

Mr. Speaker, not only does the scientific community agree that they should not be required to do this secondary treatment, but the California EPA agrees and the local Sierra Club agrees. And yet, the community still has to spend taxpayer dollars to get someone in EPA to agree every 5 years.

□ 1115

Mr. Speaker, this is exactly what Corrections Day ought to be about. This bill ought to pass. We ought to end this stupid technical requirement when the science says it is unnecessary.

Mr. MINETA. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

I must say, as another member of the advisory committee of Corrections Day, I am also very disturbed by this particular bill coming up. This is not the appropriate type of vehicle to do this. We are here to try to correct dumb legislation. This does not fit the bill.

I must say that I must agree with Mayor Golding of San Diego, who said she does not want to get rid of the public comment period provided by this bill; H.R. 1943 would undo the ability of the local communities to have comment, to give comment on this particular waste disposal facility. It is essential, as the mayor has said. I believe it is, as well. This is not the way to go. We should not be trying to undo laws that protect the community.

I would urge Members to oppose this particular Corrections Day bill because it does not fit the definition of a corrections day bill.

Mr. SHUSTER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point I want to make, a couple of points, first, the mayor of San Diego has just been referred to by the previous speaker. The mayor of San Diego strongly supports this legislation. So it would be very misleading, and I know that the gentleman certainly would not do that on purpose; it would be very misleading to suggest anything other than the fact the mayor of San Diego strongly supports this legislation.

I think it is particularly interesting when you look at this debate today, Mr. Speaker, you will see that all six Members of Congress from the San Diego area, the southernmost part of California, Republicans and Democrats, strongly support this legislation. But when you look at who is opposing this legislation, you see the majority of those who spoke are not even from California.

Yes, we have had some northern Californians speak. We are about to have a Pennsylvanian speak against this bill, somebody from New Jersey, from Michigan, from Tennessee.

It is very interesting that, in a sense, what this boils down to, it is the Washington-knows-best crowd versus the people-know-best coalition, and it is unanimously the people, the Members of Congress, who represent the area who are strongly in support of this legislation. But people from across other parts of the United States seem to think they know best what is best for this particular region of the country.

Most interesting, the California EPA supports this legislation. The California water quality people support this legislation. The mayor of San Diego supports this legislation. The Governor of California, a former mayor of San Diego, supports this legislation. So the people who are on the ground, the people who know the problem most intimately and, yes, the scientists who know the problem most intimately support this legislation.

I think that is an excellent reason to give overwhelming support to this. I urge it be supported.

Mr. MINETA. Mr. Speaker, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BORSKI], who knows best, who is the ranking Democratic member of the Subcommittee on Water Resources and Environment.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, I am strongly opposed to H.R. 1943—legislation which is unneeded in its concept, unworkable in its implementation, and sets a terrible precedent.

There is no reason whatsoever for this bill—none whatsoever.

San Diego's problem was taken care of last year. What this bill is seeking to correct has already been corrected.

If people say that requiring San Diego to meet secondary treatment standards of the Clean Water Act is dumb, what would they say about passing bills to solve problems that have already been solved?

Legislation was passed last year by Congress and signed by the President allowing San Diego to apply for a waiver of the secondary treatment standards of the Clean Water Act.

The Environmental Protection Agency has been acting quickly on the San Diego waiver application.

On August 12, less than 1 month from today, EPA will issue a proposed per-

mit granting San Diego the waiver it is seeking.

If we do nothing today, San Diego will have its waiver by the end of the year.

H.R. 1943 makes changes in the existing law but they are not improvements.

Instead of requiring San Diego to have its waiver reviewed every 5 years—as the other 40 cities with waivers must—H.R. 1943 would grant San Diego a permanent waiver with no provisions for review.

Instead of requiring San Diego to meet basic treatment standards, as San Diego officials said they could last year when we passed the Ocean Pollution Reduction Act, sponsored by Mr. FILNER, H.R. 1943 has minimal and undefined standards that are lower than San Diego is meeting today.

H.R. 1943 is an open-ended license for the city of San Diego to greatly reduce its sewage treatment for as long as it wants.

With all its drawbacks, this legislation has already passed the House as part of H.R. 961, the so-called Clean Water Act Amendments of 1995. Why are we doing it again?

Why is this provision of all the changes in H.R. 961 being singled out for special treatment? Why San Diego when its waiver is already on the way?

If we are looking for a bill for Corrections Day, why not a combined sewer overflow provision that would help a lot of cities, such as Philadelphia, New York, and Chicago?

The CSO provision in H.R. 961 is supported by every interest group, is non-controversial and would easily get the votes needed for passage.

Why San Diego and why not Philadelphia, New York, Chicago, and all the other cities that face costs of more than \$15 billion to correct their CSO overflow problems?

Why the people of San Diego and not the 32 million people served by sewage treatment systems with CSO's?

It is not economics. I believe the budgets of Philadelphia, New York, Chicago, and virtually all other cities could use as much financial help as San Diego.

It is not tax base. I am sure San Diego has as many resources to draw on as all other cities that have already invested in secondary treatment and now face the bills for combined sewer overflows.

The question remains: Why San Diego?

Let's provide the help where it is truly needed and not where local officials have good connections with the leadership of the Republican Party.

San Diego has gotten the correction it needed and it was done in the proper manner. They don't need passage of this bill.

I urge my colleagues to reject H.R. 1943.

Mr. SHUSTER. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from San Diego [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, as someone who just came from the private and public sector out there, trying to address environmental problems, into this House, I was rather confused as to where the opposition to this bill came from. Now I understand, and it is a total misconception of the text, and I would like to point out to my colleagues that once you find out the facts and the data here, it is quite obvious that anybody reasonable would address this.

Some have said this is a partisan proposal. Mr. Speaker, when the gentleman from California [Mr. FILNER], the gentleman from California [Mr. CUNNINGHAM], and the gentleman from California [Mr. HUNTER] can agree on anything, that is not only bipartisan, it is bipolar.

The fact is I would say this to my colleagues, both Republicans and Democrats, look at who is supporting this and try to find a reasonable reason why reasonable people cannot sometimes, though their politics may be different, come to a reasonable conclusion backed up by science.

My colleague from New Jersey raised the concern about pollution and the problems there. Let me point out that the California plan is twice as stringent as the New Jersey contact water standards, that if New Jersey had this plan, we would probably be able to avoid a lot of problems.

I am quite concerned about the last speaker from Pennsylvania pointing out saying it is just money that we are talking about and if it is just money, why do we not allow cities to dump raw sewage and overflow into our waterways. I think what has happened is, because my colleague from Pennsylvania missed the point here, this is not talking about just money, we are talking about the fact that the environmental impact report that was drawn up in the 1980's pointed out that going to this secondary mandate was going to be an adverse environmental impact. In fact, if any reasonable person looked at the environmental impact report, it said that the no-project option was the environmentally preferred alternative.

So I hope my colleague from Pennsylvania recognizes this is not just money we are talking about here. This is talking about protecting the environment.

The public review that was brought up by the gentleman from California, I would like to point out that not only does this maintain the public review process, constantly maintains it in the same 5-year cycle as existing law, but it also continues to require over 250,000 tests be made annually, 250,000 tests for pollution and environmental impact, the most extensive testing in the United States, in fact, so extensive that the EPA has contracted with the city of San Diego to do their testing for the northern Baja California area.

Mr. Speaker, the real issue here is does the environmental regulation take precedence; does the process and

the procedure in Congress take precedence over the environment of our country?

This is clearly an issue where you have to recognize that the scientists of the National Academy of Sciences, 33 scientists of Scripps Oceanography, the most highly noted oceanographic institution in the world, have said that we should not be requiring San Diego to go ahead with secondary.

I would ask my colleagues on the other side of the aisle, if you do not believe in the scientists, if you do not believe in commonsense application of our environmental regulations, what do you believe in? Do you believe that the regulation is more important than the environment?

I hear this is where the real test is.

Mr. Speaker, as somebody who not only spends a lot of time surfing and sailing in this ocean we are talking about, but as someone who has fought long and hard to clean up environmental problems along the border and along our beaches, it is quite frustrating to see colleagues who mean well for the environment but are not willing to recognize problems even when the scientists and the facts tell you this should be changed.

I am placing at this point in the RECORD a letter from James Strock, from the California EPA, which clearly points out the California ocean plan will continue to be enforced, the EPA will continue to have public hearings every 5 years and will continue to either permit or not permit the continuation of the discharge at the present location.

Mr. Strock points out that the continuing information will constantly be used to determine if this process should go forward, and if this law should apply.

Mr. Speaker, I guess it comes down to the fact, do my colleagues in Congress care more about 27 pounds of studies and the \$1½ million that is wasted? And that is \$1½ million that could be used for taking care of the 300 plus beach closures we have had in my district, and not one of them, not one was contributed to by the treatment problem or treatment issue, not one out of over 300, and I am saying to you, please, colleagues, join with us.

The gentleman from California [Mr. FILNER], the gentleman from California [Mr. BILBRAY], the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. CUNNINGHAM], the gentleman from California [Mr. PACKARD], if we can see the light, if we can see the facts, if we can see the environmental stakes that are here, please, take a look at the fact that maybe those who swim and live on this ocean, those who will live with the successes and failures there, maybe we do have the ability to observe problems in the existing law and threats to existing environmental issues, and maybe you will come across and recognize that this is a bipartisan project to protect the environment and join with us in protecting the environment.

Mr. Speaker, I ask permission to revise and extend my remarks.

Mr. Speaker, this morning we will be considering H.R. 1943, the San Diego Coastal Corrections Act of 1995, under Speaker GINGRICH'S Correction Calendar. I have had the opportunity to speak with many of you regarding this important issue, and appreciate the high level of interest which has been expressed in fixing this problem. Under current law, coastal dischargers like San Diego are required to provide traditional secondary treatment of their municipal sewage discharges.

However, the secondary sewage regulation—part of the original Clean Water Act written in 1972—was intended for cities and municipalities which discharge into rivers and lakes, and shallow estuaries.

Scientists from the Scripps Institute of Oceanography, the National Academy of Sciences, and the California EPA all agree that because of its deep ocean outfall, its industrial pretreatment process and chemically enhanced primary treatment—chemical secondary—the present sewage treatment program utilized by San Diego does not harm the ocean environment. Because of the extensive scientific evidence documenting this situation, which is unique to San Diego, the San Diego Coastal Corrections Act provides permanent relief from the secondary sewage regulation.

As I have talked to you separately about this legislation, I have noticed several recurring questions which are very important, and for which I want to ensure the correct answers are available.

The latest and timeliest document to add to evidence that this regulation is unnecessary for San Diego is the following letter from Jim Strock, the Secretary of Environmental Protection for the California Environmental Protection Agency, to Chairman Shuster of the House Transportation and Infrastructure Committee, in strong support of H.R. 1943. This letter leaves absolutely no question as to the scientific validity and environmental soundness of H.R. 1943.

I would like to read excerpts of the letter and include it for the RECORD:

There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards, and therefore would be applicable to the Point Loma (San Diego) outfall despite its termination in federal waters.

This document (the State Plan) is the basis for NPDES permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the nation.

There have been public allegations that under H.R. 1943, San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. This permit will be renewed every five years, with full public review and input.

\*\*\* San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

\*\*\* we (Cal EPA) urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that all the necessary protection remains in full force in the future.

My colleagues, that last sentence says it all. The feds at EPA who have tried to force San Diego to comply with a Federal regulation scientifically proven to be unnecessary should pay close attention to their counterparts at the California EPA who have concluded that it makes no sense to comply with the secondary sewage regulation.

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY

July 21, 1995.

Hon. BUD SHUSTER,  
Chairman, Committee on Transportation and  
Infrastructure,  
Washington, DC.

DEAR MR. CHAIRMAN. The purpose of this letter is to convey the California Environmental Protection Agency's (Cal/EPA's) support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. This bill would deem San Diego's Point Loma Wastewater Treatment Plant to be the equivalent of secondary treatment by virtue of its chemically enhanced primary treatment combined with an exceptionally long and deep ocean outfall.

This support is in recognition of the demonstrated ability of the Point Loma treatment plant to comply with California State Ocean Plan standards. During 1994 the treatment facility met every requirement of its National Pollutant Discharge Elimination System (NPDES) Permit without fail, earning it the distinction of receiving a Gold Award from the Association of Metropolitan Sewerage Agencies. This award could only have been earned with a strict industrial source control program, a well-run treatment plant, and an effective ocean outfall.

The California State Ocean Plan, which is tailored to provide strict standards to protect the marine environment, was developed in 1972 by the State Water Resources Control Board. It was prepared by a team of scientists and was adopted only after a series of public hearings and full disclosure and review by all interested parties. It was also approved by the U.S. Environmental Protection Agency (U.S. EPA). Since the adoption of the initial plan, it has undergone periodic review and been revised in 1973, 1978, 1983, and 1990. This document (now under revision, for completion in 1997) is the basis for NPDES Permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the Nation. There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in Federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards and therefore would be applicable to the Point Loma outfall despite its termination in Federal waters.

There have been allegations that under HR 1943 San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. The permit will be renewed every five years, with full public review and input. In addition, San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and

full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all of the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

I understand that some groups, including the U.S. EPA, support the Ocean Pollution Reduction Act of 1994 but oppose HR 1943. In a July 11, 1995 letter to you, the U.S. EPA Assistant Administrator for Water, Mr. Bob Perciasepe, states that the bill is "unnecessary, eliminates public review, and is scientifically unsound." Nothing could be further from the truth. The bill is necessary to allow San Diego to plan for the future without the vagaries of Federal bureaucratic changes; it includes the same public review of the permit and scientific basis as the Ocean Pollution Reduction Act.

Mr. Perciasepe's letter also states that H.R. 1943 conflicts with the National Research Council's 1993 report, *Managing Wastewater in Coastal Urban Areas*. He says that the bill "would provide for a blanket exemption from secondary treatment, even if changed circumstances or evolving science raise reasonable questions about the continued wisdom of the waiver" and that this conflicts with the report's caution to allow flexibility to respond to new information. My understanding is that H.R. 1943 includes precisely the flexibility that the National Research Council suggests, allowing the continuously-updated, site-specific criteria of the State Ocean Plan to apply—rather than the one-size-fits-all secondary treatment requirement mandated by the Clean Water Act over 20 years ago.

In summary, we urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that the all necessary protection remains in full force in the future.

Sincerely,

JAMES M. STROCK,  
Secretary.

SECONDARY EQUIVALENCY FOR SAN DIEGO  
WASTEWATER TREATMENT FACILITY—SUPPORT  
ED BY SOUND SCIENCE

Judge Brewster stated, in his findings in his March, 1994 Memorandum Decision and Order Rejecting the Proposed Consent Decree, that "the scientific evidence without dispute establishes that the marine environment is not harmed by present sewage treatment, and in fact appears to be enhanced."

The National Academy of Sciences 1993 report "Wastewater Management for Coastal Urban Areas" stated that the Clean Water Act's uniform requirements have not allowed a process that adequately addresses regional variations in environmental systems around the country or that the law responds well to changing needs. In the case of deep ocean discharge, such as San Diego, they concluded that biochemical oxygen demand and suspended solids were of little concern.

In addition, the Academy scientists concluded that chemically enhanced primary treatment is an effective technology for protecting the environment coupled with deep ocean discharge. Specifically, the report states "chemically enhanced primary treatment is an effective technology for removing suspended solids and associated contaminants."

Scientists from all over the country have testified in various forums, including under oath in the federal district court in San Diego, that San Diego's current level of treatment fully protects the offshore environment.

A May 1991 "Consensus Statement" by thirty-three of the scientists from the Scripps Institution of Oceanography fully supports the concept of advanced primary treatment for discharge in deep swiftly moving marine waters such as those that exist off Point Loma.

During June, the Environmental Protection Agency (EPA), announced a preliminary determination to approve San Diego's waiver application stating "San Diego has laid out a detailed wastewater plan that makes both environmental and economic sense."

The local Sierra Club unanimously supports a waiver for the Point Loma Wastewater Treatment from secondary treatment.

The California Environmental Protection Agency supports secondary equivalency for the San Diego system and has stated that the city's sewage treatment system is "fully capable of protecting the marine environment without the need for expensive secondary treatment."

#### SUPPORT THE SAN DIEGO COASTAL CORRECTIONS ACT (H.R. 1943)

Under current law, coastal dischargers like San Diego are required to provide traditional secondary treatment of their municipal sewage discharges.

However, the "secondary sewage" regulation, (part of the original Clean Water Act written in 1972) was intended for cities and municipalities which discharge into rivers and lakes, and shallow estuaries.

San Diego discharges into the Pacific Ocean, 4.5 miles from shore into receiving waters 300 feet below the surface.

The National Academy of Sciences, scientists from the Scripps Institute of Oceanography and the California EPA all agree that because of its deep ocean outfall, its industrial pre-treatment process and chemically enhanced primary treatment (chemical secondary), the present sewage treatment program utilized by San Diego does not harm the ocean environment.

Because of the extensive scientific evidence documenting this situation, which is unique to San Diego, the San Diego Coastal Correction Act provides permanent relief from the secondary sewage regulation.

If San Diego was forced to comply with the secondary sewage regulation, which has been scientifically shown to be unnecessary, San Diego ratepayers would have to pay \$3 billion dollars for additions/alterations to the sewage treatment plant.

The federal regulation is not only unnecessary, it is extremely costly, even though no measurable or justifiable benefits are achieved by complying with it. An environmental impact report detailed environmental damage that would occur should the city be required to comply with the regulation.

However, the San Diego Coastal Corrections Act in no way relaxes or relieves the City from continued compliance with stringent state and federal clean water requirements. San Diego must still submit monthly, quarterly, and annual reports to both the EPA and the Regional Water Quality Control Board, which is the State agency that monitors San Diego's discharge permit.

San Diego's Ocean Monitoring program is one of the largest in the world, with over 250,000 samples being taken and analyzed annually. The City conducts comprehensive chemical and physical tests of treated effluent, ocean sediments, and biological organisms.

The City is still required to comply with these state and federal standards under the San Diego Coastal Corrections Act.

#### THE EPA WAIVER DOES NOT RESOLVE SAN DIEGO'S PROBLEM; H.R. 1943 DOES SOLVE SAN DIEGO'S PROBLEM

Ocean Pollution Control Act of 1994 (EPA waiver)	San Diego Coastal Corrections Act of 1995 (H.R. 1943)
<b>Cost:</b> The waiver is temporary. Every five years, San Diego must re-submit a waiver application to the EPA at a cost to ratepayers of \$1.2 million	H.R. 1943 provides a permanent long-term solution for San Diego, provided that state and federal clean water standards are continually met.
<b>Process:</b> The EPA may or may not approve the waiver application, every five years	The EPA issues the operating permit every five years for the Point Loma Sewage Treatment Plant, subject to compliance with state and federal clean water standards.
<b>Public review and public hearing process</b> as EPA considers waiver application	Public review and hearing process as EPA considers re-issuing the NPDES operating permit, every five years.
<b>Protections:</b> San Diego's discharge must comply with Clean Water Act standards, and the more stringent California State Ocean Plan standards, or its operating permit will not be renewed. Regular monthly, quarterly and annual reports to EPA and Regional Water Quality Control Board to ensure Point Loma's discharge is in compliance with both state and federal clean water requirements Science submitted in the City's water application concludes that San Diego's current sewage treatment process meets the requirements of the secondary sewage mandate	San Diego's discharge must comply with Clean Water Act standards, and the more stringent California State Ocean Plan standards, or its operating permit will not be renewed. Regular monthly, quarterly and annual reports to the EPA and Regional Water Quality Control Board ensure Point Loma's discharge is in compliance with both state and federal clean water requirements. Science submitted in the City's waiver application is identical to that required by H.R. 1943.

Notes: The cost of the waiver application (\$1.2 million) must be paid by ratepayers every 5 years.

The process under the waiver is uncertain—the EPA has reversed its position on granting a waiver application to San Diego numerous times.

Because H.R. 1943 ensures protections to the ocean environment must continue, it makes environmental and economic sense to pass San Diego's Coastal Corrections Act.

□ 1130

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MINETA. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MINETA moves to recommit the bill, H.R. 1943, the San Diego Coastal Corrections Act of 1995, to the Committee on Transportation and Infrastructure, with instructions to report back the bill with an amendment which provides that chemically enhanced primary treatment as required by this Act result in the removal of not less than 58 percent of the biological oxygen demand (on an annual average) and not less than 80 percent of the total suspended solids (on a monthly average).

The SPEAKER pro tempore. The gentleman from California [Mr. MINETA] is recognized for 5 minutes in support of his motion to recommit.

Is the gentleman from Pennsylvania opposed to the motion to recommit?

Mr. SHUSTER. I am opposed to the motion to recommit.

The SPEAKER pro tempore. Then the gentleman from Pennsylvania will be granted 5 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I offer this motion to recommit with the intent of preserving the ability of San Diego to continue its current practices and engage in less than secondary treatment.

This motion to recommit will allow San Diego to achieve the level of wastewater treatment which it feels it can meet, which San Diego is meeting today, and which San Diego feels is appropriate for its ocean discharge. This motion will not require San Diego to meet secondary treatment, and neither will it require San Diego to undertake any additional treatment beyond what it does today.

Last year, the Congress passed, and President Clinton signed, legislation to allow San Diego to apply for a waiver from secondary treatment. San Diego has now applied for such a waiver, and EPA expects to approve the waiver application. In fact, San Diego will likely have its waiver from secondary treatment long before this bill has any chance of becoming law.

As a part of the waiver application, San Diego represented that it would consistently meet discharge limits of 58 percent removal of BOD and 80 percent removal of suspended solids—precisely the terms which are in the motion to recommit.

Mr. Speaker, there is general agreement that San Diego should not be required to achieve secondary treatment. And, this motion will not require secondary treatment. But, there is also general agreement that San Diego should not do less treatment than it is already doing. Yet that is exactly what the bill would allow. It is one thing to vote for the proposition that San Diego should not have to improve its treatment to achieve the secondary standards. But, it is a very different thing to vote for the proposition that San Diego should be able to turn off existing treatment. By your vote on this motion to recommit, you will make it clear which proposition you support.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, the gentleman knows I strongly support H.R. 1943. But as I said in the committee that considered the substance of his recommitment motion, I thought that this would give a lot of security to people to vote for this bill who have some concerns that San Diego would backslide. I do not believe that that would be the case. San Diego has said in its waiver application, has said in time after time, that it meets these standards that the gentleman has in his recommitment motion, so San Diego, I agree, will not be having to do anything more than it is doing now and would have no extra expense, but would give people who have concerns the ability to vote for this legislation.

I would ask for my colleagues in this bipartisan way to accept this motion

because it allows everybody to say, yes, San Diego will meet these things without any additional concerns.

So I think H.R. 1943 is strengthened by the gentleman's motion, and I will be supporting it.

Mr. MINETA. Mr. Speaker, all arguments in favor of a waiver for San Diego are predicated upon the level of treatment which the city is currently achieving. That is, 58 percent removal of BOD and 80 percent removal of suspended solids. Not one speaker in favor of this bill has argued, nor can they argue, that any scientific evidence supports radical reductions in sewage treatment for San Diego. Yet, without standards and under this bill as written, San Diego will be able to turn off existing treatment.

If the motion to recommit is rejected, San Diego may be able to reduce the level of treatment which it currently achieves to as little as 30 percent removal of BOD and suspended solids. That is an enormous potential drop in water quality, one that San Diego has not even said it wants. It is the wholesale abandonment of the Clean Water Act program, and contrary to San Diego's current program. There is no way this can fairly be characterized as just a little correction.

Opponents of the motion amendment may argue that such a rollback of treatment will not occur, but there is nothing in this bill which would prevent such a dramatic increase in pollution off the California coast. If it is not going to happen, why are we being asked to vote to allow it?

Opponents of this motion will argue that it is micromanagement. How ironic. We are here today with the full House considering the details of one permit for one community out of the thousands of permits issued by States and EPA. The House is specifying the terms of the permit, and yet, if there is an attempt to place some standards in the permit, we are accused of micromanagement. It is this bill which is micromanagement and inappropriate.

This motion does nothing to increase the obligations of San Diego. It will allow San Diego to implement its wastewater treatment program in the precise manner San Diego has advocated. And, it will continue to offer a basic level of protection to California coastal resources.

I urge support of the motion to recommit.

Mr. SHUSTER. Mr. Speaker, I rise in strong opposition to this motion to recommit.

Mr. Speaker, the debate has clearly demonstrated that a secondary treatment waiver for San Diego is supported by strong science, by California scientists, by the California EPA.

Now my good friend talks about a waiver from EPA. Well, where has the EPA been for the past several years? Indeed I am told that the waiver that is now being talked about actually includes in it new regulations that go beyond the clean water bill. Some waiver.

This motion to recommit should be defeated, and the legislation before us should be supported.

Now the gentleman from California [Mr. MINETA] would require San Diego to meet a 58-percent biological oxygen demand and no less than 80 percent total suspended solids. Well, all scientists agree, all scientists agree, that BOD is not a meaningful measurement in the ocean. There is plenty of oxygen in the ocean, and the California State ocean plan, therefore, has no BOD limit for deep ocean outfalls because one is not necessary. Now can San Diego backslide? Well, only if the State water quality standards let them, and those State standards, we are told, are among the toughest in the Nation. In fact, they are tougher even, we are told, than the New Jersey standards. The State plan does have a 75-percent total suspended-solid requirement which San Diego must meet. The State plan also has over 200 other requirements relating to metals, toxics, and other actual contaminants. San Diego must meet all these requirements so there can be no backsliding.

In summary the California State ocean plan is among the toughest in the Nation and will insure protection of the ocean environment. Vote no on this last-ditch effort to impose additional unnecessary Federal conditions on a commonsense reform plan.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, environmental regulation should not be punitive. This motion is a punitive action. It is a devious approach to shelve this whole proposal because there is no statement in here of reporting back. It is specifically to kill this proposal, and the fact is the gentleman from California knows the clean ocean plan in California and knows that it has solid removals that are not at 30, but at 75, so worse-case scenario.

Maybe the problem is that we are each talking to different environments here. The gentleman is talking about people who have discharge in the shallow lakes, shallow bays, rivers, and the gentleman wants to punish San Diego because they happen to have a situation that the scientists and the people who study this issue point out that this environmental regulation, as presented, is inappropriate and that the constant attacks at trying to pull this off the back of the ratepayers in the district of the gentleman from California [Mr. FILNER] and pull it off the backs of the impact on the beaches in my district is absolutely absurd for the gentleman to continue this unless all the gentleman feels is the fact that my constituents had to spend money on this issue. So I do not care about the benefit to the environment, I do not care about it if it is going to hurt. My biggest concern is I want to get San Diego.

Well, remember there are a whole lot of working-class people in San Diego. They are Democrats and Republicans, and they are independents, and their environment is just as important as the gentleman's environment, and, if the gentleman's environment was being hurt, we pull together to work with the gentleman, but our environment is being hurt by the regulation, and, just as much as the gentleman had a responsibility to go to secondary to help the environment, we have just as much responsibility to not go to the—

Mr. SHUSTER. Mr. Speaker, I urge defeat of this motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MINETA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 179, nays 245, not voting 10, as follows:

[Roll No. 563]

YEAS—179

Abercrombie	Engel	Lewis (GA)
Ackerman	Eshoo	Lipinski
Andrews	Evans	Lofgren
Baldacci	Farr	Lowey
Barcia	Fattah	Luther
Barrett (WI)	Fazio	Maloney
Becerra	Fields (LA)	Manton
Beilenson	Filner	Markey
Bentsen	Flake	Martinez
Berman	Foglietta	Mascara
Bevill	Ford	Matsui
Bishop	Frank (MA)	McCarthy
Bonior	Frost	McDermott
Borski	Furse	McHale
Boucher	Gejdenson	McKinney
Browder	Gephardt	McNulty
Brown (CA)	Gibbons	Meehan
Brown (FL)	Gonzalez	Meek
Brown (OH)	Gordon	Menendez
Cardin	Green	Miller (CA)
Chapman	Gutierrez	Mineta
Clay	Hall (OH)	Minge
Clayton	Hamilton	Mollohan
Clement	Harman	Montgomery
Clyburn	Hastings (FL)	Moran
Coleman	Hefner	Murtha
Collins (IL)	Hinchey	Nadler
Conyers	Holden	Neal
Costello	Hoyer	Oberstar
Coyne	Jackson-Lee	Obey
Cramer	Jefferson	Olver
Danner	Johnson (SD)	Orton
de la Garza	Johnson, E. B.	Owens
DeFazio	Johnston	Pallone
DeLauro	Kanjorski	Pastor
Dellums	Kaptur	Payne (NJ)
Deutsch	Kennedy (MA)	Payne (VA)
Dicks	Kennedy (RI)	Pelosi
Dingell	Kennelly	Peterson (FL)
Dixon	Kildee	Pickett
Doggett	Kleczka	Pomeroy
Dooley	Klink	Poshard
Doyle	LaFalce	Frelinghuysen
Durbin	Lantos	Rangel
Edwards	Levin	Reed

Richardson  
Rivers  
Roukema  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Sisisky  
Skaggs  
Skelton

Slaughter  
Spratt  
Stark  
Stokes  
Studds  
Stupak  
Taylor (MS)  
Thompson  
Thornton  
Thurman  
Torres  
Torricelli  
Towns  
Wynn  
Traficant  
Tucker

Velazquez  
Vento  
Visclosky  
Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

NOT VOTING—10

Bateman  
Bryant (TX)  
Collins (MI)  
Gilman

Hilliard  
Mfume  
Moakley  
Myers  
Reynolds  
Volkmer

□ 1201

Mrs. KENNELLY, Mr. KENNEDY of Massachusetts, and Mr. BERMAN changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINETA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 269, noes 156, not voting 9, as follows:

[Roll No. 564]

AYES—269

Abercrombie	Dooley	Hyde
Allard	Doolittle	Inglis
Archer	Dornan	Istook
Armey	Dreier	Johnson (CT)
Bachus	Duncan	Johnson, Sam
Baessler	Dunn	Jones
Baker (CA)	Edwards	Kasich
Baker (LA)	Ehlers	Kelly
Ballenger	Ehrlich	Kim
Barr	Emerson	King
Barrett (NE)	English	Kingston
Bartlett	Ensign	Klug
Barton	Everett	Knollenberg
Bass	Ewing	Kolbe
Bentsen	Fawell	LaHood
Bereuter	Fields (TX)	Largent
Bilbray	Filner	Latham
Bilirakis	Flanagan	LaTourette
Bliley	Foley	Laughlin
Blute	Fowler	Lazio
Boehlert	Fox	Leach
Boehner	Frank (MA)	Lewis (CA)
Bonilla	Franks (CT)	Lewis (KY)
Bono	Franks (NJ)	Lightfoot
Brewster	Frelinghuysen	Lincoln
Browder	Frisa	Linder
Brownback	Frost	Livingston
Bryant (TN)	Funderburk	Longley
Bunn	Gallegly	Lucas
Bunning	Ganske	Manzullo
Burr	Gekas	Martini
Burton	Geren	McCollum
Buyer	Gilchrest	McCrery
Callahan	Gillmor	McDade
Calvert	Gilman	McHugh
Camp	Goodlatte	McInnis
Canady	Goodling	McIntosh
Castle	Goss	McKeon
Chabot	Graham	McNulty
Chambliss	Green	Metcalf
Chapman	Greenwood	Meyers
Chenoweth	Gunderson	Mica
Christensen	Gutknecht	Miller (FL)
Chrysler	Hall (TX)	Minge
Clinger	Hancock	Mink
Coble	Hansen	Molinari
Collins (GA)	Hastert	Montgomery
Combest	Hastings (WA)	Moorhead
Condit	Hayes	Moran
Cooley	Hayworth	Morella
Cox	Hefner	Myrick
Crane	Heineman	Nethercutt
Crapo	Herger	Neumann
Creameans	Hilleary	Ney
Cunningham	Hobson	Norwood
Davis	Hoekstra	Nussle
De la Garza	Hoke	Ortiz
Deal	Horn	Orton
DeLay	Hostettler	Oxley
Diaz-Balart	Houghton	Packard
Dickey	Hunter	Parker
Doolittle	Hutchinson	Pastor
Dornan		
Dreier		
Duncan		
Dunn		
Ehlers		
Ehrlich		
Emerson		
English		
Ensign		
Everett		
Ewing		
Fawell		
Fields (TX)		
Flanagan		
Foley		
Forbes		
Fowler		
Fox		
Franks (CT)		
Franks (NJ)		
Frelinghuysen		
Frisa		
Funderburk		
Gallegly		
Ganske		
Gekas		
Geren		
Gilchrest		
Gillmor		
Goodlatte		
Goodling		
Goss		
Graham		
Green		
Greenwood		
Gunderson		
Gutknecht		
Hall (TX)		
Hancock		
Hansen		
Hastert		
Hastings (WA)		
Hayes		
Hayworth		
Hefner		
Heineman		
Herger		
Hilleary		
Hobson		
Hoekstra		
Hoke		
Horn		
Hostettler		
Houghton		
Hunter		
Hutchinson		
Imhof		
Isakson		
Jackson-Lee		
Jefferson		
Johnson (SD)		
Johnson, E. B.		
Johnston		
Kanjorski		
Kaptur		
Kennedy (MA)		
Kennedy (RI)		
Kennelly		
Kildee		
Kleczka		
Klink		
LaFalce		
Lantos		
Levin		
Lieberman		
Lipinski		
Lofgren		
Lowey		
Luther		
Maloney		
Manton		
Markey		
Martinez		
Mascara		
Matsui		
McCarthy		
McDermott		
McHale		
McKinney		
McNulty		
Meehan		
Meek		
Menendez		
Miller (CA)		
Mineta		
Minge		
Mollohan		
Montgomery		
Moran		
Murtha		
Nadler		
Neal		
Oberstar		
Obey		
Olver		
Orton		
Owens		
Pallone		
Pastor		
Payne (NJ)		
Payne (VA)		
Pelosi		
Peterson (FL)		
Pickett		
Pomeroy		
Poshard		
Frelinghuysen		
Rangel		
Reed		
Reynolds		
Rohrabacher		
Ros-Lehtinen		
Rose		
Roth		
Royce		
Salmon		
Sanford		
Saxton		
Scarborough		
Schaefer		
Schiff		
Seastrand		
Sensenbrenner		
Shadegg		
Shaw		
Shays		
Shuster		
Skeen		
Smith (MI)		
Smith (NJ)		
Smith (TX)		
Smith (WA)		
Solomon		
Souder		
Soudon		
Spence		
Stearns		
Stenholm		
Stockman		
Stump		
Talent		
Tanner		
Tate		
Tauzin		
Taylor (NC)		
Tejeda		
Thomas		
Thornberry		
Tiahrt		
Torkildsen		
Upton		
Vucanovich		
Waldholtz		
Walker		
Walsh		
Wamp		
Watts (OK)		
Weldon (FL)		
Weldon (PA)		
Weller		
White		
Whitfield		
Wicker		
Wolf		
Young (AK)		
Young (FL)		
Zeliff		
Zimmer		



Paxon	Scarborough	Taylor (NC)
Payne (VA)	Schaefer	Tejeda
Peterson (FL)	Schiff	Thomas
Peterson (MN)	Schumer	Thornberry
Petri	Seastrand	Thornton
Pickett	Sensenbrenner	Tiahrt
Pombo	Shadeegg	Torkildsen
Pomeroy	Shaw	Trafigant
Porter	Shays	Tucker
Portman	Shuster	Upton
Pryce	Sisisky	Vucanovich
Quillen	Skeen	Waldholtz
Quinn	Smith (MI)	Walker
Radanovich	Smith (NJ)	Walsh
Ramstad	Smith (TX)	Wamp
Regula	Smith (WA)	Watts (OK)
Riggs	Solomon	Weldon (FL)
Roberts	Souder	Weldon (PA)
Roemer	Spence	Weller
Rogers	Stearns	White
Rohrabacher	Stenholm	Whitfield
Ros-Lehtinen	Stockman	Wicker
Rose	Stump	Wolf
Roth	Stupak	Young (AK)
Roukema	Talent	Young (FL)
Royce	Tanner	Zeliff
Salmon	Tate	Zimmer
Saxton	Tauzin	

## NOES—156

Ackerman	Gephardt	Murtha
Andrews	Gibbons	Nadler
Baldacci	Gonzalez	Neal
Barrett (WI)	Gordon	Oberstar
Becerra	Gutierrez	Obey
Beilenson	Hall (OH)	Olver
Berman	Hamilton	Owens
Bevill	Harman	Pallone
Bishop	Hastings (FL)	Payne (NJ)
Bonior	Hefley	Pelosi
Borski	Hinchey	Poshard
Boucher	Holden	Rahall
Brown (CA)	Hoyer	Rangel
Brown (FL)	Jackson-Lee	Reed
Brown (OH)	Jacobs	Richardson
Bryant (TX)	Jefferson	Rivers
Cardin	Johnson (SD)	Roybal-Allard
Clay	Johnson, E. B.	Rush
Clayton	Johnston	Sabo
Clement	Kanjorski	Sanders
Clyburn	Kaptur	Sanford
Coburn	Kennedy (MA)	Sawyer
Coleman	Kennedy (RI)	Schroeder
Collins (IL)	Kennelly	Scott
Conyers	Kildee	Serrano
Costello	Kleczka	Skaggs
Coyne	Klink	Skelton
Cramer	LaFalce	Slaughter
Danner	Lantos	Spratt
DeFazio	Levin	Stark
DeLauro	Lewis (GA)	Stokes
Dellums	Lipinski	Studds
Deutsch	LoBiondo	Taylor (MS)
Dicks	Lofgren	Thompson
Dingell	Lowey	Thurman
Dixon	Luther	Torres
Doggett	Maloney	Torricelli
Doyle	Manton	Towns
Durbin	Markey	Velazquez
Engel	Martinez	Vento
Eshoo	Mascara	Visclosky
Evans	Matsui	Ward
Farr	McCarthy	Waters
Fattah	McDermott	Watt (NC)
Fazio	McHale	Waxman
Fields (LA)	McKinney	Williams
Flake	Meehan	Wilson
Foglietta	Meek	Wise
Forbes	Menendez	Woolsey
Ford	Miller (CA)	Wyden
Furse	Mineta	Wynn
Gejdenson	Mollohan	Yates

## NOT VOTING—9

Barcia	Hilliard	Myers
Bateman	Mfume	Reynolds
Collins (MI)	Moakley	Volkmer

□ 1220

So—three-fifths having voted in favor thereof—the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Tuesday, July 25, I missed rollcall votes 563 and 564 during consideration of H.R. 1943, the San Diego Coastal Corrections Act. Had I been present I would have voted "aye" on 563 and "nay" on 564. In addition I missed rollcall vote 565 during consideration of S. 395, to lift the ban on Alaskan oil exports. Had I been present I would have voted "aye."

## ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to section 2 of House Resolution 197, I call up the Senate bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 395

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I

## SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

## SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as "Snettisham") to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as "Eklutna Purchasers"), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

## SEC. 103. EXEMPTION AND OTHER PROVISIONS.

(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including

future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the memorandum of Agreement.

(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public